

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERIC WILSON,
Plaintiff,

v.

SUPERINTENDENT JOHN DOE
GEORGE W. HILL CORRECTIONAL
FACILITY - DELAWARE CO., *et al.*
Defendants.

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CIVIL ACTION NO. 19-CV-5015

ORDER

AND NOW, this 16th day of December, 2019, upon consideration of Plaintiff Eric Wilson's Motion to Proceed *In Forma Pauperis* (ECF No. 1), his Prisoner Trust Fund Account Statement (ECF No. 2), and his *pro se* Complaint (ECF No. 3), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Clerk of Court is **DIRECTED** to change Wilson's inmate number and address on the docket as follows: Wilson's inmate number should read "#JR5867" and his address should read "SCI-Phoenix, 1200 Mokychic Road, Collegeville, PA 19426."
3. Wilson, # JR5867, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI-Phoenix or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Wilson's inmate account; or (b) the average monthly balance in Wilson's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Clerk of Court with a reference to the docket number for this case. In each succeeding month when the amount in Wilson's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall

forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Wilson's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

4. The Clerk of Court is directed to **SEND** a copy of this order to the Superintendent of SCI-Phoenix.

5. The Complaint is **DEEMED** filed.

6. The Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) as to Defendants (1) Insurance Co. — John Doe, (2) Taylor Hospital — Medical Dept. — John Doe and or Jane Doe, and (3) Qawi Wilson for the reasons stated in the Court's Memorandum.

7. The Complaint is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) as to all other Defendants for the reasons stated in the Court's Memorandum.

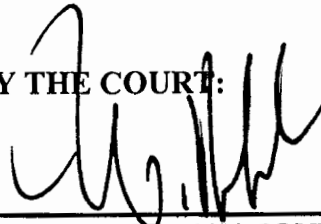
8. Wilson may file an amended complaint within thirty (30) days of the date of this Order as to any Defendant not herein dismissed with prejudice. Any amended complaint must identify all defendants in the caption of the amended complaint. Wilson must also identify them in the body of the amended complaint and shall state the basis for his claims against each defendant. The amended complaint must also provide as much identifying information for the defendants as possible. Wilson may refer to a defendant by last name only if that is the only identifying information possessed. If Wilson wishes to name individuals for whom he does not have any identifying information, he may refer to those individuals as John Doe #1, John Doe

#2, etc.¹ The amended complaint shall be a complete document that does not rely on or refer to the initial Complaint or other papers filed in this case to state a claim. When drafting his amended complaint, Wilson should be mindful of the Court's reasons for dismissing the claims in his initial Complaint as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

9. The Clerk of Court is **DIRECTED** to send Wilson a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Wilson may use this form to file his amended complaint if he chooses to do so.

10. If Wilson fails to file an amended complaint in accordance with this Order, his case may be dismissed without further notice for failure to prosecute.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Wendy Beetlestone', written over a horizontal line.

WENDY BEETLESTONE, J.

¹ Without the name of at least one individual or entity, however, the Court may be unable to direct service of any amended complaint that Wilson may file.